

# EXHIBIT A

**Chart Identifying Elements Not Plausibly Alleged Pursuant to Judge Subramanian's  
Individual Practices In Civil Cases**

<b>Federal Trademark Infringement (Count 1)</b>	
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.

<b>Federal Counterfeiting (Count II)</b>	
<b>Element NOT Plausibly Alleged</b>	The accused MJB Eye-Conic eye shadow products are substantially identical to the asserted Amarte Eyeconic eye cream products.
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.

<b>Federal Unfair Competition (Count III)</b>	
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.

<b>NY Stat. Unfair Competition – N.Y. Gen. Bus. Law § 349 (Count IV)</b>	
<b>Element NOT Plausibly Alleged</b>	Harm to the public at large.
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.

<b>NY Common Law Trademark Infringement (Count V)</b>	
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.

<b>NY Common Law Passing Off, Unfair Competition, and Unjust Enrichment (Count VI)</b>	
<b>Element NOT Plausibly Alleged</b>	Res Judicata: facts sufficient to establish that Judge Breyer's Order in the California Litigation is not preclusive on this claim.